Statement by Xiao Qiang

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February 15, 2006

House International Relations Committee, Subcommittee on Africa, Global Human Rights and International Operations

Mr. Chairman, respectful members of the subcommittee,

My name is Xiao Qiang. I am the director of China Internet Project at the Graduate School of Journalism, University of California at Berkeley. In the twelve preceding years I also served as Executive Director of Human Rights in China, and have testified in front of this subcommittee many times. I applaud your strong leadership on human rights in U.S. foreign policy. Three years ago, I decided to assume a new challenge and have been exploring the digital communication revolution and how it has affected China's ongoing social and political transformation. It is my privilege to testify in front of this subcommittee again.

Let me start with a personal story – one of the most unforgettable experiences in my years as a human rights activist. In November 1992, an oceanographer in Seattle called my office at Human Rights in China after finding a bottle that had been drifting across the Pacific Ocean for eleven years. A leaflet inside contained information about Wei Jingsheng, then China's most prominent political prisoner, who had been sentenced to fifteen years in prison in 1979. Until the contents of the bottle arrived on my desk in New York, the world had not heard anything about Wei since his sentencing.

Fourteen years later, we need not rely on fortuitous messages in bottles to receive news from inside the People's Republic of China. The country is continually opening to the outside world, with an exploding internet population of over 110 million, and a booming high tech industry. China is now a member of the World Trade Organization (WTO) and will host the 2008 Summer Olympic Games. But what has not changed is the one party authoritarian rule of the Chinese Communist Party**.** Today's China has no fewer political prisoners than fourteen years ago, including an increasing number of individuals who express themselves online.

Although the Chinese authorities acknowledge that China needs the economic benefits the Internet brings, they also fear the political fallout from the free flow of information. Since the Internet first reached the country, the government has used an effective multi-layered strategy to control online content and monitor online activities at every level of Internet service and content.

Over the last two and a half years, my China Internet Project in Berkeley has been researching and monitoring the censorship mechanisms in the People's Republic of China. I gave my written and oral testimony to the U.S.-China Economic and Security

Review Commission in April 2005 on this subject, in which I outlined four layers of Chinese Internet control: law, technology, propaganda and self-censorship. I will not elaborate on these contents further in this hearing.

Mr. Chairman, let me now address the central question of this hearing: the role of U.S. information technology companies in China's censorship mechanism. It has become painfully clear to the American public in recent months that some of this country's leading information technology companies, including Google, Yahoo!, Microsoft and Cisco, who are here today, have, to differing degrees, aided or complied with China's internet censorship policies, in order to gain a presence in the lucrative China market. We are all familiar with the individual cases, which have been widely reported in the media, so I will not go into detail. More important than the individual cases is the fact that the problems faced by a few U.S. information technology companies today in China have a real impact on their industry as a whole, not to mention the global condition of human freedom and dignity.

The challenge in front of us, Mr. Chairman, is to find a way to help these information technology companies work in concert, perhaps with some of the world's great research universities, to establish a set of guiding principles for the entire information and communication technology industry. These principles, or standards and practices, should transcend individual companies' own relationship to any given market. In other words, to seek collective ways to find the ability to resist demands for information or technology that violate fundamental human rights .

These standards and practices should support and respect the protection of universal human rights. They should also reflect specific beliefs of the industry such as open access to communication networks, promotion of free speech, and protection of the security and privacy of information. They should be subscribed to by the information technology companies on a voluntary basis.

These standards and practices should serve not only as a catalyst and compass for corporate responsibility, but also as a buffer for companies operating in a political environment where freedom of expression is restricted. Such defense mechanisms should include all possible means, from transparency to non-collaboration and even resistance, to help these companies avoid aiding in or colluding with human rights abuses.

Having a set of standards and practices is not enough, however. It will only be effective if processes are simultaneously set up to actively promote, implement, and monitor the standards. The information technology industry should also make the implementation of these standards and practices transparent and provide information which demonstrates publicly their commitment and adherence to them. Congress, the media, company shareholders, universities, non-governmental organizations, and the public all have an important role to play in helping the corporations be accountable to these standards.

Developing such standards and practices will not be easy, and it is a process in which academic institutions can have an important facilitating role. Three university institutions—The China Internet Project of the Graduate School of Journalism of the University of California at Berkeley; the Berkman Center for Internet & Society at

Harvard Law School; and the Oxford Internet Institute in the United Kingdom—will initiate a set of public meetings and private workshops with interested information technology companies in the coming months. Our challenge is to find ways in which rigorous research and writing can constructively address this problem. We want to work together with industry leaders and other academic researchers and programs to develop a set of lasting standards which are credible, consistent, and effective.

Mr. Chairman, respectful members of the sub-committee,

In the last century, we witnessed numerous atrocities and destruction, but also the prevailing tide of human solidarity in the struggle for freedom. One of the glorious battles was fought in South Africa, where the international community, including many U.S. corporations, stood behind the South African people's struggle against apartheid. During that period, a great American citizen, Leon Sullivan, authored the Sullivan Principles to help the U.S. business community exercise their collective strength to defend fundamental values of human dignity.

Today, a similar struggle is unfolding over the Internet, including in countries such as my homeland, China, where the authoritarian government is battling to hold back the tide of free expression. Ultimately, freedom will prevail as our planet becomes ever more interconnected and interdependent. I believe that once again, American corporations have an opportunity to be on the right side of the history.

Thank you Mr. Chairman.